

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 30, 2013

PRESENT: Parella, Herreshoff, Calouro, Stuart, and Sweeney

ALSO PRESENT: Antonio A. Teixeira, Town Administrator
Nancy E. Letendre, Esq., Asst. Town Solicitor
A. Archie Martins, Town Sergeant

The Council met in regular session on Wednesday evening, October 30, 2013 in the Town Hall, Council Chambers, beginning at 7:00 o'clock PM, Council Chairman Parella presiding:

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Herreshoff/Stuart - Voted
unanimously to approve the consent
agenda.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - October 9, 2013

Calouro/Herreshoff - Voted
unanimously to approve these
minutes as prepared and presented.

2. Town Council Special Meeting - October 8,
2013 (action items only)

Calouro/Herreshoff - Voted
unanimously to approve these
minutes as prepared and presented.

B. PUBLIC HEARINGS

C. ORDINANCES

1. Ordinance #2013-16, Chapter 22, Sewers and
Sewage Disposal, Article X, Sewer Service
Charges, Section 22-401, Infiltration and
inflow charge for new developments and
construction activities, **2nd reading**

Calouro/Sweeney - Voted unanimously
to consider this action to
constitute the second reading for
adoption of Ordinance #2013-16.
Advertise in local newspaper.

2. Ordinance #2013-17, Chapter 16, Motor
Vehicles and Traffic, Article IV, Operation

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of Vehicles, Section 16-112, Through streets designated, and Section 16-114, Stop intersections designated (three-way stop at Beach Road and Roger Avenue), **1st reading**

Stuart/Herreshoff - Voted
unanimously to consider this action
to constitute the first reading of
Ordinance #2013-17. Advertise in
local newspaper.

D. LICENSING BOARD - NEW PETITIONS

E. LICENSING BOARD - RENEWALS

F. PETITIONS - OTHER

1. Lynn Shaw, on behalf of Bristol Merchants Association re annual Snowflake Raffle event - request for Council support

Herreshoff/Calouro - Voted
unanimously to appropriate an
amount not to exceed \$1000
(matching exactly last year's
appropriation) from the Town
Council Contingency line in support
of this event and also to approve
the event per past practice.

Prior to the vote taken, Councilman Stuart asked to know if the Police Department recommended approval with Police Chief Canario responding affirmatively.

2. Catharine M. Cromwell, on behalf of St. Michael's Church, (399 Hope Street) - request for accessible parking space on Church Street, **1st reading**

- a. Recommendation - Chief of Police
(approve)

Herreshoff/Calouro - Voted
unanimously to consider this action
to constitute the first reading for
the installation of an accessible
parking space and to continue said
matter to the meeting of November
20, 2013 for second reading.

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G. APPOINTMENTS

1. Public Service Appointments for October

- a. Post Retirement Benefits Fund Board of Trustees (2) (terms to expire August 2015 and August 2016)

1. Peter A. Hewett, 11 Wendy Drive - interest/appointment

Stuart/Calouro - Voted unanimously to instruct the Clerk to arrange an interview at a time convenient to the parties.

Prior to the vote taken, Council Chairman Parella suggested that the interview may take place prior to the next Town Council meeting if possible.

b. Christmas Festival Committee

1. Todd Giroux, 30 Harrison Street - interest/appointment

Councilman Stuart nominated Mr. Giroux for appointment.

There were no counter-nominations.

Stuart/Calouro - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Giroux for the ensuing term.

H. OLD BUSINESS

1. Public Works Director Galuska re downtown area litter control (street vacuum description attached)

Herreshoff/Calouro - Voted unanimously to continue this matter until November 20, 2013 and to refer said matter to the Administration to identify a possible funding source.

Prior to the vote taken, Council Chairman Parella asked to know if the Public Works Department was seeking funding now

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or did it intend to request this device through next year's budget.

Councilman Herreshoff stated that he spoke to Public Works Director Galuska concerning the vacuum cleaner and found it to be "neat and compact with a three-inch diameter suction nozzle." He added that he believes that the downtown area "neatness" has improved and that he supports the purchase of the vacuum cleaner in support of same.

Council Chairman Parella asked to know if the plan is to put the unit in place prior to budget time with Councilman Herreshoff asking to know the exact purchase price. Town Treasurer Goucher responded that the unit cost appears to be \$2100. She added that the DPW budget was "lean" and that there were not funds available for this purchase at this time.

Council Chairman Parella suggested that the item might be considered at the next meeting with some suggestions for funding. Public Works Director Galuska reported that the distributor has only 12 units in stock.

Councilman Stuart stated that he has several concerns:

He noted that the unit appeared to be a "great purchase" but questioned when it would be in use and if its operational noise would violate the Noise Ordinance. He also asked if the Department of Public Works plans to utilize the unit on overtime and if so, what would be the overtime cost.

Public Works Director Galuska responded that he plans to deploy the unit every day in the summer and then "taper off."

Councilman Herreshoff suggested that there should be a plan to evaluate the need for use once the unit is put into service.

Public Works Director Galuska stated that he plans to do the work in the early morning when there will be few pedestrians.

Councilman Stuart announced that he was being proactive. He added that the use of the downtown trash and recycling receptacles should also be examined and that camera monitors might be installed since these are overflowing on weekends.

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Councilman Sweeney agreed with Councilman Stuart and stated that the containers near the corner of State and Hope Streets are specifically problematic.

2. (RIPTA) Hope Street Bus Boxes - six (6) month review of use, **continued from September 18, 2013**

Herreshoff/Calouro - Voted
unanimously to continue this matter
until the meeting of November 20,
2013.

Prior to the vote taken, Councilman Herreshoff asked for a continuance since he would like to meet with Town Administrator Teixeira concerning this agenda item and that Town Administrator Teixeira might wish to draft a letter to the State Department of Transportation to be assured that everyone is on the "same wavelength."

3. Lawrence D. Lavers, 62 Burton Street -
petition re license for storage of inoperable
vehicle (Town Code Sec. 16-232 attached),
continued from October 9, 2013

- a. Town Solicitor Ursillo re License for
Storage of Inoperable Vehicles

Herreshoff/Stuart - Voted
unanimously to deny the petition.

Prior to the vote taken, Councilman Herreshoff stated that he had a meeting with Mr. Lavers and that Mr. Lavers was aware of the correspondence from Town Solicitor Ursillo and wishes to decline his previous request.

Council Chairman Parella stated that she has concern about establishing a precedent but informed Director of Community Development Williamson that she (Council Chairman Parella) believes that the Town should provide some type of accommodation in instances such as these and should require that the vehicle remains covered and perhaps limit the storage to a defined time period.

Councilman Sweeney asked to know if a "car tent" would be advisable with Assistant Town Solicitor Letendre responding that this is done sometimes but that these may be objectionable if found in someone's front yard.

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Councilman Herreshoff agreed that any accommodation should have a "sunset clause."

4. Councilman Sweeney re Recycling Committee update

Calouro/Sweeney - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Councilman Sweeney reported that a recycling event will be held on Saturday, November 2, 2013 on the Town Common from 12:00 o'clock until 4:00 o'clock PM and will include exhibits on e-waste, and sales of rain barrels, compost bins, and environmentally suitable bags.

I. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Joseph Brito, President, Mount Hope Trust Board of Trustees re proposed change to bylaws - Article III.9.ii (to correct scrivener's error)

Herreshoff/Stuart - Voted unanimously to approve this correction as requested.

Prior to the vote taken, the Clerk explained that Mr. Brito testifies in his letter that the subject change is purely a scrivener's error and that the substance of the provision does not change from what was originally intended.

2. Town Administrator Teixeira re Appointment of Code Compliance Coordinator - Raymond C. Falcoa

Stuart/Calouro - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Town Administrator Teixeira reported that a search committee interviewed nine (9) resident applicants and that Mr. Falcoa was found to be most qualified for the position.

3. Town Treasurer Goucher re OPEB Trust Investment Policy Statement (ratify)
 - a. OPEB Trust Investment Policy Statement - Revised, September 30, 2013

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Calouro/Herreshoff - Voted
unanimously to ratify the
Investment Policy Statement as
provided.

Prior to the vote taken, Town Treasurer Goucher reported
that the document is updated from April 2008 and that it is
approved by the OPEB Board of Trustees.

Councilman Herreshoff asked to know the substance of the
changes with Town Treasurer Goucher responding that the
policy considers asset allocation and that the new strategy
is heavier in equities in order to grow the fund. She added
that the change was essentially a "clean up" of the policy.

4. Councilman Herreshoff re request for
Executive Session pursuant to RIGL 42-46-
5(a)(5) lease of real property

*It is hereby noted for the record that action on this agenda
item took place at the conclusion of the public agenda as
found below.*

5. Council Clerk Cirillo re Accessible Parking
Space Removal, **1st reading**

Herreshoff/Calouro - Voted
unanimously to consider this action
to constitute the first reading of
a request for removal of accessible
parking spaces, per the
recommendations provided, and to
continue said matter until the
meeting of November 20, 2013 for
second reading.

J. BILLS & EXPENDITURES

1. Bid #791 - HVAC Repair and Maintenance
Contract for Town Buildings

Herreshoff/Calouro - Voted
unanimously to refer this matter to
the Town Administrator to act in
the best interest of the Town.

Prior to the vote taken, the Clerk read the following bids
as received:

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Lincoln Energy Mechanical Serv.	W. Warwick, RI	\$ 3,950.00
Arden Engineering Constructors	Pawtucket, RI	\$17,114.00

2. Bid #792 - Boiler Repair and Maintenance
Contract for Town Buildings

Herreshoff/Sweeney - Voted
unanimously to refer this matter to
the Town Administrator to act in
the best interest of the Town.

Prior to the vote taken, the Clerk read the following bids
as received:

Arden Engineering Constructors	Pawtucket, RI	\$13,323.00
Sunshine Fuels and Services	Bristol, RI	\$ 6,500.00

3. Bid #793 - Elevator Repair and Maintenance
Contract for Town Buildings

Herreshoff/Sweeney - Voted
unanimously to refer this matter to
the Town Administrator to act in
the best interest of the Town.

Prior to the vote taken, the Clerk read the following bid as
received:

ThyssenKrupp Elevator	Lincoln, RI	\$8,880.00
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4. RFP #794 - Phone System for Quinta-Gamelin
Community Center

Calouro/Herreshoff - Voted
unanimously to refer this matter to
the Town Administrator and Director
of Parks and Recreation to act in
the best interest of the Town.

Prior to the vote taken, the Clerk read the following
proposals as received:

Metropolitan Telephone	Walpole, MA	\$6,132.00
Voice Systems	Canton, MA	\$6,416.95
Vive Communications	Quincy, MA	\$5,859.40
Rhode Island Telephone	Warwick, RI	\$2,980.74

5. Bid #795 - Exterior Steel Doors (3) for
Sports Complex Building

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Herreshoff/Calouro - Voted
unanimously to refer this matter to
the Town Administrator and Director
of Parks and Recreation to act in
the best interest of the Town.

Prior to the vote taken, the Clerk read the following bid as
received:

Horner Commercial Sales	Somerset, MA	\$7,340.00
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6. Bid #796 - Interior and Exterior Lighting for
Quinta-Gamelin Community Center

Herreshoff/Sweeney - Voted
unanimously to refer this matter to
the Town Administrator and Director
of Parks and recreation to act in
the best interest of the Town.

Prior to the vote taken, the Clerk read the following bid as
received:

RISE Engineering	Cranston, RI	\$25,895.00
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When questioned regarding why only one bid was received,
Recreation Director Burke reported that two electricians
looked at the project and found that RISE (a private company
with an alliance with National Grid) could provide a 60-70%
discount from the rates proposed by regular commercial
providers.

7. Bid #797 - Platt Street Right of Way Access
Area Repair

Calouro/Herreshoff - Voted
unanimously to refer this matter to
the Town Administrator and Director
of Parks and Recreation to act in
the best interest of the Town.

Prior to the vote taken, the Clerk read the following bids
as received:

JML Excavation	Bristol, RI	\$73,876.00
NCD Developers	Bristol, RI	\$65,260.00

8. Bid #798 - Removal and Storage of Quinta-
Gamelin Community Center Mezzanine Unit

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Calouro/Sweeney - Voted unanimously to refer this matter to the Town Administrator and Director of Parks and Recreation to act in the best interest of the Town.

Prior to the vote taken, the Clerk read the following bid as received:

Robert B. West Construction Bristol, RI \$12,500.00

9. Bid #799 - On-Call Electrical Services

Calouro/Sweeney - Voted unanimously to refer this matter to the Town Administrator for rebid.

Prior to the vote taken, the Clerk reported the receipt of no bids for this particular item.

10. Bid #800 - On-Call Plumbing Services

Calouro/Sweeney - Voted unanimously to refer this matter to the Town Administrator for rebid.

Prior to the vote taken, the Clerk reported the receipt of no bids for this particular item.

K. SPECIAL REPORTS

1. Allan Klepper re BCWA Monthly Report for October

Herreshoff/Stuart - Voted unanimously to receive and place this matter on file.

L. TOWN SOLICITOR

1. Town Solicitor re RIDPUC, Docket #D-13-105, A&R Marine Corp., d/b/a Prudence & Bay Islands Transport's Application for Certificate of Public Convenience and Necessity - Motion to Intervene of Town of Bristol, Rhode Island

Calouro/Sweeney - Voted unanimously to continue this matter until the meeting of November 20, 2013.

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Prior to the vote taken, Assistant Town Solicitor Letendre reported that the matter requires no Council action at this time. She further reported that Assistant Solicitor Teitz testified before the Public Utilities Commission and that the meeting was then recessed with no date decided for the next hearing. She added that the next hearing will likely be held in November.

Councilman Herreshoff asked to know if the Town will provide further testimony with Assistant Town Solicitor Letendre responding that she did not believe so and that Assistant Solicitor Teitz testified as to the Town's lease arrangement with the ferry service.

Councilman Herreshoff noted that the Town's arrangement with the ferry service remains in effect until June 1, 2014 with Assistant Town Solicitor Letendre adding that the lease remains in effect unless there are "problems." Councilman Herreshoff reminded the Council that it is important to follow this situation closely since the ferry service is essential.

Assistant Town Solicitor Letendre reminded the Council that the removal of the ferry service is not an option since it is essential.

2. Town Solicitor re request for Executive Session pursuant to RIGL 42-46-5(a) (1) personnel - Matthew Calouro

Herreshoff/Sweeney - Voted to continue this matter until the meeting of November 20, 2013. Voting in favor of this motion were Council Chairman Parella, Councilman Herreshoff, Councilman Stuart and Councilman Sweeney. Councilman Calouro was recused from the discussion and vote.

It is hereby noted for the record that the Council took the following action at the request of Matthew Calouro.

M. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. Parella

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a. Mike Davis - Council Chairman Parella thanked Mr. Davis for his taping of this evening's meeting.

b. Happy Halloween - Council Chairman Parella noted that the observance of Halloween is tomorrow and wished those present a happy Halloween.

2. Herreshoff

a. Boston Red Sox - Councilman Herreshoff, who donned a Boston Red Sox cap during this evening's meeting, observed that there will be a potentially deciding game of the World Series this evening held at Fenway Park in Boston. He also observed that should the Boston Red Sox prevail in this particular game it will be the first time that the team won the World Series on its home turf since 1918. He commended the team for its excellent season and its spirit and resolve.

3. Calouro

a. Red Sox - Councilman Calouro extended his best wishes to the Boston Red Sox. He added that this era has been a "lucky period" for Red Sox fans since many fans waited a lifetime for a World Series victory and that there was the potential for three victories in one decade with today's game.

b. Joint Finance Committee - Councilman Calouro announced his plan to call a meeting of the Bristol Warren Regional Joint Finance Committee within two weeks.

4. Stuart

a. Veterans Day - Councilman Stuart noted that November 11 will be Veterans Day and outlined the schedule for Bristol Veterans Day events beginning at 8:30 AM.

b. East Bay Chamber Honorees - Councilman Stuart noted that Sr. Mary Sardinha was named Citizen of the Year by the East Bay Chamber of Commerce and also that the East Bay Newspapers was recognized as business of the year.

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c. Bristol Sports Club - Councilman Stuart observed that Joseph Silva was honored as "Man of the Year" by the Bristol Sports Club for his contribution to the Club and that the recognition dinner was held on October 9.

d. Spaghetti Suppers - Councilman Stuart announced that the Bristol Rotary Club will have a spaghetti supper on November 2, 2013 at St. Mary's Auditorium and also that the Friends of the Animal Shelter will hold a similar activity on November 16, 2013 at Franklin Court Community Room.

e. RWU Family Weekend - Councilman Stuart reported that the annual Family Weekend held at Roger Williams University was a success.

f. Halloween Walkabout - Councilman Stuart reported that he participated in the annual Bristol Merchants Association Halloween Walkabout and handed out 800 pieces of candy.

g. Thank You For Participating - Councilman Stuart thanked the public for participating in this evening's meeting.

5. Sweeney

a. Community String Project - Councilman Sweeney reported that the Community String Project will sponsor a road race at Colt State Park.

b. Recycling Activity - Councilman Sweeney reminded those present of the upcoming recycling event to be held on November 2, 2013 on the Town Common.

c. Happy Halloween - Councilman Sweeney extended Halloween wishes to those present.

N. TOWN ADMINISTRATOR AGENDA ITEM(S)

1. Halloween Safety - Town Administrator Teixeira deferred to Police Chief Canario who encouraged all Halloween participants to act safely. He noted that police officers will be available during the traditional trick-or-treating hours. It was suggested that trick-or-treaters should wear reflective or illuminated costumes.

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2. Drug Disposal - The Administration announced that there was a drug drop off opportunity at the Bristol Police Station on October 26, 2013.

CITIZENS PUBLIC FORUM

Consent Agenda Items:

(CA) AA. SUBMISSION OF MINUTES-Boards and Commissions

Approval of consent agenda="Motion to receive and place these items on file."

1. Historic District Commission - September 5, 2013
2. Harbor Commission - October 7, 2013
3. Bristol Housing Authority - September 25, 2013
4. Economic Development Commission - August 19, 2013
5. Economic Development Commission - September 9, 2013
6. Post Retirement Benefits Fund Board of Trustees - March 7, 2013
7. Post Retirement Benefits Fund Board of Trustees - May 22, 2013
8. Police Pension Fund Board of Trustees - November 29, 2012
9. Police Pension Fund Board of Trustees - February 21, 2013
10. Police Pension Fund Board of Trustees - June 24, 2013

(CA) BB. BUDGET ADJUSTMENTS

Approval of consent agenda="Motion to approve these adjustments."

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1. Tax Assessor/Collector Belair - Recommended Abatements & Additions for October 2013

(CA) CC. FINANCIAL REPORTS

Approval of consent agenda="Motion to receive and place these items on file."

1. (Town Treasurer Goucher) re Revenue and Expenditures Statement - October 25, 2013

(CA) DD. PROCLAMATIONS, RESOLUTIONS & CITATIONS

Approval of consent agenda="Motion to adopt these Proclamations, Resolutions and Citations as prepared and presented."

1. Commendation - Joseph C. Silva, Bristol Sports Club "Man of the Year"
2. Commendation - Sr. Mary Sardinha, East Bay Chamber of Commerce "Citizen of the Year"
3. Commendation - Manuel "Manny" Arruda, One-Hundredth Birthday

(CA) EE. UTILITY PETITIONS

Approval of consent agenda="Motion to approve these petitions."

1. Department of Public Works - Road Cut Permits

(CA) FF. UPCOMING APPOINTMENTS

Approval of consent agenda="Motion to approve advertising these Appointments."

(CA) GG. CITY & TOWN RESOLUTIONS NOT PREVIOUSLY CONSIDERED

Approval of consent agenda="Motion to receive and place these items on file."

(CA) HH. DISTRIBUTIONS/COMMUNICATIONS

Approval of consent agenda="Motion to receive and place these items on file."

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1. Borrowing Resolutions - \$2,560,000 General Obligation Bonds (signed copy, adopted October 9, 2013)
2. Coastal Resources Management Council - Notice of Acceptance of Application re King Philip Avenue (ROW) seawall & drain repairs, CRMC File No. 2013-10-014
3. Marlene K. LeRoy, Director of Development, Meals on Wheels of RI re thank you for support
4. Warrant - Bryan Leffingwell, Waypoysset Preserve Trust
5. Council Clerk Cirillo to Dr. and Mrs. Patrick T. Conley re thank you for offer of sign donation
6. Coastal Resources Management Council - Semi-Monthly Meeting, October 22, 2013
7. Council Clerk Cirillo to Public Works Director Galuska re Accessible Parking Space Removed - 131 Wood Street
8. Council Clerk Cirillo to Matthew J. Calouro, 118 Fales Road re Notice - Executive Session, October 30, 2013

(CA) II. DISTRIBUTIONS/NOTICE OF MEETINGS
(Office copy only)

Approval of consent agenda="Motion to receive and place these items on file."

1. Harbor Commission - October 7, 2013
2. Bristol Warren Regional School District - Schedule of Meetings, Week of October 13, 2013
3. Bristol Warren Regional School Committee Personnel/Contract Negotiations Subcommittee - October 15, 2013
4. Bristol Warren Regional School Committee - Meeting/Workshop, October 15, 2013

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5. Bristol Warren Regional School District -
Schedule of Meetings, Week of October 20,
2013
6. Bristol Warren Regional School Committee
Budget/Facilities Subcommittee - October 21,
2013
7. Bristol County Water Authority Management
Development and Compensation Committee -
October 23, 2013
8. Bristol County Water Authority Board of
Directors - October 23, 2013
9. Bristol Warren Regional School District -
Schedule of Meetings, Week of October 27,
2013
10. Bristol Warren Regional School Committee
Personnel/Contract Negotiations Subcommittee
- October 28, 2013
11. Bristol Warren Regional School Committee -
October 15, 2013
12. Bristol Warren Regional School Committee
Personnel/Contract Subcommittee, BWEA
Contract Negotiation Team - October 15, 2013

(CA) JJ. CLAIMS

**Approval of consent agenda="Motion to refer these items to
the Insurance Committee and at its discretion to the
Interlocal Trust."**

1. Denita M. Rossi, Esq., on behalf of Mary Jo
Sousa re claim for damages
2. Robert T. Karns, Karns Law Group, on behalf
of Frank J. Matteotti re claim for damages
3. Angelo R. Simone, Esq., Revens, Revens and
St. Pierre, on behalf of Maryann Meyers re
claim for damages

Sweeney/Calouro - Voted unanimously
to move into Executive Session
pursuant to RIGL 42-46-5(a)(5)

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concerning the lease of real property at 7:50 o'clock PM.

Calouro/Sweeney - Voted unanimously to resume open session and seal the minutes of the Executive Session at 8:20 o'clock PM.

Herreshoff/Calouro - Voted unanimously to authorize the Town Administrator to enter into a lease agreement for the lease of the parking lot on Thames Street south of Church Street in the amount of \$20,000 with the stipulation that there will be an effort to "educate" the business owners toward the use of said parking lot to alleviate street parking.

Prior to the vote taken, Town Administrator Teixeira reported that his office will monitor the use of the parking lot to assure that it is effectively utilized.

There being no further business, upon a motion by Councilman Herreshoff, seconded by Councilman Sweeney and voted unanimously, the Chairman declared this meeting to be adjourned at 8:23 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk